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REPLY TO MINNEAPOLIS OFFICE

December 2, 2019

***Via CM/ECF & Email***

The Honorable David T. Schultz  
Magistrate Judge, District of Minnesota  
United States District Court  
9E U.S. Courthouse  
300 South Fourth Street  
Minneapolis, MN 55415

*Re: Bair Hugger Forced Air Warming Products Liability Litigation (MDL 2666)*

Dear Judge Schultz,

Plaintiffs write to respectfully request that Your Honor permit Plaintiffs to work with Your Chambers to schedule a hearing on the pending Joint Motion Regarding Sealing of Documents submitted in support of Plaintiffs Opposition to Defendants Motion for Reconsideration [Dkt. 2117]. The local rules for the District of Minnesota typically limit the parties to a brief statement regarding our respective positions on the ongoing sealing of documents submitted in our opposition to the Defendants' motion for reconsideration of Daubert and Summary Judgment. We believe given the scope and scale of this MDL that a hearing allowing Plaintiffs the opportunity to make our record is appropriate. As the Court is aware, it is Plaintiffs position that under CMO 7, as well as pursuant to both the First Amendment and common law rights of public access to court proceedings, that these documents should be unsealed as they do not contain trade secrets or other information properly subject to CMO 7. In order to make our record for the 8th Circuit given the dispositive nature of the Court's order concerning over 5,000 cases, Plaintiffs respectfully request the opportunity to have a hearing on the sealing issues – which would be the first in this MDL on any sealing disputes - such that we can make a full record on each document where the parties disagree about ongoing sealing.

Respectfully submitted,



Genevieve M. Zimmerman, for Plaintiffs'

cc: All counsel of record via CM/ECF